

**Lieff
Cabrer
Heimann &
Bernstein**
Attorneys at Law

Lieff Cabrer Heimann & Bernstein, LLP
250 Hudson Street, 8th Floor
New York, NY 10013-1413
t 212.355.9500
f 212.355.9592

January 23, 2024

Rachel Geman
Partner
rgeman@lchb.com

VIA ECF

The Hon. Sidney H. Stein
United States District Court
For the Southern District of New York
500 Pearl Street, New York, NY 10007

RE: *Fiction and Nonfiction Authors' Response to Mr. Richter's Jan. 23 ltr.*

Your Honor:

We are proposed Interim Co-Lead Class Counsel for the Fiction and Nonfiction Author Classes ("Authors' Counsel") and write briefly in response to Mr. Richter's ("*Basbanes* Counsel's") letter of earlier today (Dkt. No. 57¹).

We respectfully submit there is no basis for reconsideration of the Court's January 22, 2024 ruling so-ordering the Authors' Counsel and Defendants' carefully-negotiated proposed stipulation that removed the specter of Rule 12(b) and 1404 transfer motions, as well as set an expedited schedule for fact and expert discovery, and summary judgment and class certification briefing ("Order"). The core content of the Order would be unchanged even if Mr. Richter had most of the relief he wanted—that is, consolidation of the *Basbanes* Action with the Fiction and Nonfiction Actions, and the creation of a steering committee. Staying the Order, as Mr. Richter requests, would slow the case, prejudice the Authors, and run the risk of needless work for the Court with no corresponding potential case efficiency benefit.

By way of background: the Authors' Counsel filed their Rule 23(g) motion on January 12, 2024. Dkt. No. 54, *id.* at 54-1, at 2 (noting the existence of the *Basbanes* Complaint and highlighting some of the language it took from the extant complaints). The Authors' Counsel and Defendants filed their proposed stipulation on January 19, 2024, which this Court so-ordered on January 22, 2024. Dkt. No. 56, *id.* at 3 (referencing the Rule 23(g) filing).

The Order, and the negotiations leading up to it, served to create tremendous efficiencies and protections for the Author Classes and resolve, by compromise of the parties, several disputed issues that otherwise would have required judicial resolution. The case is now proceeding immediately through fact and expert discovery, followed by summary judgment

¹ The docket refers to *Authors Guild, et al. v. OpenAI, et al.*, 1:23-cv-08292-SHS.

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briefing that concludes—at the latest—in late February 2025. Other than requesting additional time for the filing of a consolidated amended complaint, Mr. Richter does not raise issues or concerns with the proposed schedule set forth in the Court's Order. The Court should deny Mr. Richter's request for a stay of Order.

At most, we have no objection to holding off filing the Consolidated Complaint until one week from today, from January 26 (the current date) to January 30, to accommodate more time for a meet and confer. The Order should otherwise remain in effect.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rachel Geman", written in a cursive style.

Rachel Geman

cc: Counsel of Record (via ECF)
Michael Richter (mrichter@ghsklaw.com)